

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004524.P041C

(maximum 12 characters)

First Named Inventor Henry A. Sowizral et al.

Title: LINK QUALITY AGENT

Express Mail Label No. EV320118761US

ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant Claims Small Entity Status. (37 CFR 1.27)
3. ☒ Specification (Total Pages 21)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawings(s) (35 USC 113) (Total Sheets 3)
5. ☒ Oath or Declaration (Total Pages 5)
 - a. ☐ Newly Executed (Original or Copy)
 - b. ☒ Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 18 completed)
 - i. ☐ DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
 - c. ☐ Unsigned.
6. ☐ Application Data Sheet. (37 CFR 1.76)
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statement verifying identity of above copies

02/15/02

- 1 -

17613 U.S. PTO
10762541
07/22/03

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover the attached documents(s))
10. a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- X b. Power of Attorney
11. English Translation Document (if applicable)
12. a. Information Disclosure Statement (IDS)/PTO-1449
- b. Copies of IDS Citations
13. X Preliminary Amendment
14. X Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). **Applicant must attach form PTO/SB/35 or its equivalent.**
- 17A. X Other: Certificate of mailing with copy of postcard signed by attorney

17B. X Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

18A. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet Under 37 C.F.R. 1.76:

 Continuation XX Divisional Continuation-in-part (CIP)

Of Prior Application No.: 09/782,956 Examiner Tran, Phuc H. Group Art Unit 2666

(which is a continuation/ divisional/ CIP of prior application no.)

which is a continuation/ divisional/ CIP of prior application no. (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application: Terabeam Corporation (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. 011889 Frame No. 0674 (or a copy of which is attached).

19. Correspondence Address

 Customer Number or Bar Code Label (Insert Customer No. or Attach Bar Code Label her)

or

 X Correspondence Address Below

NAME R. Alan Burnett

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (206) 292-8600 FAX (206) 292-8606

Name (PRINT/TYPE): R. Alan Burnett Registration No.: R. Alan Burnett

Signature: R. Alan Burnett Date: Alban Burnett July 22, 2003

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor Henry A. Sowizral et al.

Title LINK QUALITY AGENT

Attorney Docket No. 004524.P041C

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 22, 2003
Date

R. Alan Burnett
Signature

R. Alan Burnett
Typed or Printed Name

46,149
Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL FOR FY 2003

TOTAL AMOUNT OF PAYMENT (\$) \$ 888.00

Complete if Known: Not Yet Assigned
 Application No. _____
 Filing Date Herewith
 First Named Inventor Henry A. Sowizral et al.
 Group Art Unit Not Yet Assigned
 Examiner Name Not Yet Assigned
 Attorney Docket No. 004524.P041C

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
 Deposit Account Number 02-2666
 Deposit Account Name _____
☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check
☐ Money Order
☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	750	2001	375	Utility application filing fee	<u>750.00</u>
1002	330	2002	165	Design application filing fee	_____
1003	520	2003	260	Plant filing fee	_____
1004	750	2004	375	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____
SUBTOTAL (1) \$ <u>750.00</u>					_____

2. EXTRA CLAIM FEES

		Extra Claims		Fee from below		Fee Paid
Total Claims		- 20** =		X		
<u>23</u>			<u>3</u>	X	<u>18.00</u>	<u>= 54.00</u>
Ind. pend. Claims	<u>4</u>	- 3** =	<u>1</u>	X	<u>84.00</u>	<u>= 84.00</u>
Multiple Dependent						<u>=</u>

**Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue ind. pend. nt claims over original patent
1205	18	2205	9	**Reissu claims in exc ss of 20 and v r original patent

SUBTOTAL (2) \$ 138.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

<u>Larg Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>		
<u>Cod</u>	<u>(S)</u>	<u>Code</u>	<u>(S)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	110	2251	55	Extension for reply within first month	_____
1252	410	2252	205	Extension for reply within second month	_____
1253	930	2253	465	Extension for reply within third month	_____
1254	1,450	2254	725	Extension for reply within fourth month	_____
1255	1,970	2255	985	Extension for reply within fifth month	_____
1401	320	2401	160	Notice of Appeal	_____
1402	320	2402	160	Filing a brief in support of an appeal	_____
1403	280	2403	140	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	110	2452	55	Petition to revive - unavoidable	_____
1453	1,300	2453	650	Petition to revive - unintentional	_____
1501	1,300	2501	650	Utility issue fee (or reissue)	_____
1502	470	2502	235	Design issue fee	_____
1503	630	2503	315	Plant issue fee	_____
1460	130	1460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	750	2809	375	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	110	2814	55	Statutory Disclaimer	_____
1810	750	2810	375	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	750	2801	375	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,300	1454	1,300	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Type d or Printed Name: R. Alan Burnett

Signature: *R. Alan Burnett* Date: July 22, 2002

Reg. Num b r: 46,149 T lephon Num b r: (206) 292-8600

Our Reference: 004524.P041C

Patent

LINK QUALITY AGENT

Inventors: Henry A. Sowizral, Christopher R. Payne, Ian G. Angus, Alan S. Wagner,
Patrick N. Harris, Kermit A. Hollinger

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

R. Alan Burnett

R. Alan Burnett
Reg. No. 46,149

"Express Mail" mailing label number: EV320118761US

Date of Deposit: July 22, 2003

I hereby certify that I am causing this paper or fee to be deposited with
the United States Postal Service "Express Mail Post Office to Addressee"
service on the date indicated above and that this paper or fee has been
addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450

Dominique Valentino

(Typed or printed name of person mailing paper or fee)

Dominique Valentino 7-22-03

(Signature of person mailing paper or fee) (Date signed)

Serial/Patent No. Not Yet Assigned	Filing/Issue Date: Herewith
Client: Terabeam Corporation	
Title: LINK QUALITY AGENT	
BSTZ File No. 004524.P041C	Atty/Sec'y Initials: RAB/dcv
Date Mailed: 07/22/03	Docket Due Date:
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:	
<input type="checkbox"/> Amendment/Response (____ pgs.)	<input checked="" type="checkbox"/> Express Mail No. EV320118761US <input checked="" type="checkbox"/> Check No. 3013
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Month(s) Extension of Time Amt. \$888.00
<input type="checkbox"/> Application - Utility (____ pgs. with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.) <input type="checkbox"/> Check No. _____
<input checked="" type="checkbox"/> Application - Rule 1.52(b) Continuation (21 pgs.)	<input type="checkbox"/> Issue Fee Transmittal Amt. _____
<input type="checkbox"/> Application - Rule 1.52(b) Divisional (____ pgs.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.52(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Application - Rule 1.52(d) CIP (transmittal) (____ pgs.)	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Application - Design (____ pgs.)	<input type="checkbox"/> Postcard
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input checked="" type="checkbox"/> Preliminary Amendment (8 pgs.)
<input type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Reply Brief (____ pgs.)
<input type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Response to Notice of Missing Parts
<input checked="" type="checkbox"/> Declaration & POA (5 pgs.) (copy)	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business
<input type="checkbox"/> Disclosure Docs & Orig. & Copy of Inventor's Signed Letter (____ pgs.)	<input checked="" type="checkbox"/> Transmittal Letter, in duplicate: (3 pgs., each)
<input checked="" type="checkbox"/> Drawings: 3 # of sheets includes 3 figures	<input checked="" type="checkbox"/> Fee Transmittal, in duplicate: (2 pgs., each)
<input type="checkbox"/> Other: Certificate of mailing with copy of return postcard signed by attorney	